

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 19-20652

Honorable David M. Lawson

PATRICIA FLANNERY,

Defendant.

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PRELIMINARY ORDER OF FORFEITURE

On September 26, 2019, the defendant was charged along with four codefendants with healthcare fraud, 18 U.S.C. § 1347, and conspiracy to commit wire fraud and health care fraud, 18 U.S.C. § 1349. The charges arose from the defendant's conduct as an employee of several pharmacies which allegedly obtained fraudulent reimbursements from the Medicare program for numerous mail order deliveries of medically unnecessary medications. The indictment included forfeiture allegations giving notice to the defendant that, among other things, upon her conviction of the offenses charged, the defendant would forfeit to the United States any property constituting proceeds from the alleged fraudulent activities. The indictment also provided notice that the government would seek a money judgment against the defendant in an amount exceeding \$1.3 million. After the defendant entered her guilty plea, the government filed an unopposed application for entry of this preliminary order of forfeiture.

On August 3, 2022, the defendant pleaded guilty to Count One of the indictment alleging conspiracy to commit wire fraud and healthcare fraud. Based on the facts alleged in the indictment, the facts admitted by the defendant at the plea hearing, and other information in the record, and

under 21 U.S.C. § 853(p)(2), and 18 U.S.C. § 982(a)(7), together with 28 U.S.C. § 2461, and Federal Rule of Criminal Procedure 32.2, the Court finds that all property which has a nexus to the offense of conviction is subject to forfeiture to the United States pursuant to 18 U.S.C. § 982(a)(7), 18 U.S.C. § 981(a)(1)(C) as incorporated by 28 U.S.C. § 2461(c).

Accordingly, the following is **ORDERED**:

1. Defendant Patricia Flannery shall forfeit to the United States any interest she may have in property constituting, or derived from, proceeds obtained, directly or indirectly, as the result of her violation of 18 U.S.C. § 1349, as charged in Count One of the indictment.

2. A forfeiture money judgment in an amount to be determined at or before sentencing will be granted and entered against the defendant in favor of the United States of America, which represents the total value of the property subject to forfeiture for the offense of conviction in Count One of the indictment.

3. To satisfy the money judgment, any assets that the defendant has now, or may later acquire, may be forfeited as substitute assets under 21 U.S.C. § 853(p)(2). After final judgment, the United States will be permitted to undertake whatever discovery is necessary to identify, locate, or dispose of property subject to forfeiture, or substitute assets under Federal Rule of Criminal Procedure 32.2(b)(3).

4. This order of forfeiture shall become final at sentencing and entry of the forfeiture money judgment shall be made part of the defendant's sentence and included in the judgment and shall not be the subject of ancillary proceedings given that the forfeiture consists entirely of a money judgment.

5. The Court retains jurisdiction to enforce this order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: January 10, 2023